

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,

Plaintiff,

v.

A ETZEL,

Defendant.

Case No. [22-cv-03742-HSG](#)

**ORDER DENYING RENEWED
REQUEST FOR LEAVE TO FILE
RECONSIDERATION MOTION;
DISMISSING CASE FOR FAILURE TO
PAY FILING FEE**

Re: Dkt. No. 17

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Dkt. No. 1. For the reasons set forth below, the Court DENIES Plaintiff's renewed request for leave to file a reconsideration motion, Dkt. No. 17, and DISMISSES this action without prejudice for failure to pay the filing fee.

While Plaintiff filed this *pro se* civil rights action, he also filed a request for leave to proceed *in forma pauperis*. Dkt. Nos. 1, 2. On November 2, 2022, the Court denied Plaintiff leave to proceed *in forma pauperis* pursuant to the three-strikes provision set forth in 28 U.S.C. § 1915. The Court ordered Plaintiff to pay the \$402 filing and administrative fee in full by December 1, 2022 or face dismissal of this action. Dkt. No. 12.

On November 16, 2022, Plaintiff filed a pleading objecting to the Court's denial of *in forma pauperis* status. Dkt. No. 15. The Court construed the objection as a request for leave to file a motion for reconsideration of the Court's November 2, 2022 Order. Dkt. No. 16. On November 28, 2022, in a reasoned order, the Court denied Plaintiff leave to file a reconsideration motion. Dkt. No. 16. Plaintiff has filed another pleading objecting to the Court's November 2, 2022 Order. Dkt. No. 17. The Court construes this pleading as a renewed request for leave to file a reconsideration motion. This renewed request merely repeats the arguments made in the original


1 motion seeking leave to file a reconsideration motion. *Id.* The Court addressed these arguments
2 on the merits in its November 28, 2022 order denying leave to file a reconsideration motion. Dkt.
3 No. 16. The Court DENIES the renewed request for leave to file a reconsideration motion for the
4 same reasons the original motion was denied.

5 The deadline to pay the filing fee in full has passed, and Plaintiff has not paid the filing
6 fee. The Court therefore DISMISSES this action for failure to pay the filing fee in full. This
7 dismissal is without prejudice to filing a request to reopen, but any request to reopen must be
8 accompanied by the full filing and administrative fees.

9 The Clerk is directed to enter judgment in favor of defendant Etzel and against Plaintiff,
10 terminate Dkt. No. 17, terminate any remaining pending motions as moot, and close the case.

11 **IT IS SO ORDERED.**

12 Dated: 12/16/2022

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14 HAYWOOD S. GILLIAM, JR.
15 United States District Judge
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